

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

ANDRES DELGADO ROMERO

Case No.

1:19MJ-098

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 5, 2019 in the county of Butler in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326(a)

Illegal Re-entry by a Previously Deported Alien

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Deportation Officer Joseph Graf, DHS/ICE

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/13/19

Judge's signature

City and state:

Cincinnati, OH

Honorable Karen L. Litkovitz

Printed name and title

AFFIDAVIT

I, Joseph Graf, being duly sworn, do hereby depose and say:

1. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"). I have been a DO with ICE, formerly known as the Immigration and Naturalization Service ("INS"), since February 12, 2016. Prior to working as a DO for ICE, I worked as an Immigration Enforcement Agent with ICE, from September 21, 2015 to February 12, 2016, out of Cincinnati, Ohio. I am currently assigned to the Cincinnati Enforcement and Removal Operations Unit. In November 2009, I completed United States Border Patrol Academy where I was trained in Immigration law, criminal law, criminal procedures, firearms, emergency driving, and physical techniques.
2. This affidavit is made in support of a criminal complaint and arrest warrant for Andres DELGADO ROMERO ("DELGADO ROMERO"), charging him with violating Title 8, United States Code, Section 1326(a): Illegal Re-entry by Previously Deported Alien. The facts set forth in this affidavit are based upon my personal observations, my training, and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter.
3. On February 05, 2019, DELGADO ROMERO, a citizen of Mexico, and a previously deported criminal alien, was arrested by Cincinnati ICE ERO, in Southern District of Ohio, Hamilton, after subject was arrested by the Butler County Sheriff's office for Probation violation. DELGADO ROMERO was positively identified and arrested without incident. DELGADO ROMERO was processed at the Butler County Jail. DELGADO ROMERO is currently being held in ICE custody at Butler County Jail.

4. On or about June 15, 2007, DELGADO ROMERO was ordered removed from the United States, by an Immigration Judge in Cleveland, Ohio.

5. Based on my training and experience, I know that a DHS "A-File" is a file in which all immigration records are maintained for aliens admitted to or found in the United States. I also know that a DHS A-File usually contains photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the DHS A-File is maintained.

6. On February 05, 2019, I examined DHS A-File XXX-XXX-722, which is maintained for the subject alien "Andres DELGADO ROMERO." The A-File contained, among other things, the following documents and information:

a. Photographs of the alien subject to whom DHS A-File XXX-XXX-722 corresponds. I compared these photographs to the ICE booking photograph of DELGADO ROMERO taken on or about February 05, 2019. These photographs depict the same person. Thus, I determined that DHS A-File XXX-XXX-722 and its contents correspond to DELGADO ROMERO.

b. An executed Warrant of Removal/Deportation (Form I-205) indicating that DELGADO ROMERO was officially removed and deported from the United States on or about October 10th, 2018.

c. An Executed Warrant of Removal/Deportation (Form I-205) Indicating that DELGADO ROMERO was officially removed and deported from the United States on or about September 18th, 2012

d. An Executed Warrant of Removal/Deportation (Form I-205) Indicating that DELGADO ROMERO was officially removed and deported from the United States on or about August 26th, 2008

e. An Executed Warrant of Removal/Deportation (Form I-205) Indicating that DELGADO ROMERO was officially removed and deported from the United States on or about June 26th, 2007

I know from my training and experience that a Warrant of Removal/Deportation is executed each time a subject alien is removed and deported from the United States by ICE (and its predecessor agency, INS) and usually contains the subject's photograph, signature, and fingerprint. The executed Warrant of Removal/Deportation in DELGADO ROMERO's A-File contains his photograph, signature, and fingerprint.

f. A sworn statement dated August 21, 2008 where DELGADO ROMERO admitted to entering the United States illegally, and not being a citizen of the United States.

g. Various documents, in addition to the Warrants of Removal/Deportation, indicating that DELGADO ROMERO is a native and citizen of Mexico. These documents include: (i) a decision and order of removal by an immigration judge on June 15th, 2007, ordering DELGADO ROMERO removed to Mexico.

7. On February 05, 2019 I also reviewed DELGADO ROMERO's criminal history in the National Crime Information Center ("NCIC") database. NCIC is a database used by local, state, and federal law enforcement agencies to record arrests and criminal convictions. Records are stored under a unique, fingerprint-based number known as an FBI number. I also cross-referenced his NCIC records with judgement and conviction documents that originated from DELGADO ROMERO's A-file, records stored in the Public Access to Court Electronic Records

("PACER"), as well as various local clerk of court electronically maintained databases. A review of the aforementioned databases and conviction documents located in the A-file revealed the following:

8. April 01, 2006, DELGADO ROMERO was arrested for carrying a concealed weapon and convicted of a lesser offense, and was sentenced by the Butler County Court to six month home confinement.

9. May 27, 2007 DELGADO ROMERO was arrested for driving without a license and sentenced to paying a fine.

10. July 10, 2008 DELGADO ROMERO was arrested for Domestic Violence, and was convicted, and sentenced by the Butler County Court to 30 days in jail.

11. May 19, 2012 DELGADO ROMERO was arrested for felonious assault, and was convicted by the Butler County Court and sentenced to 113 days in jail.

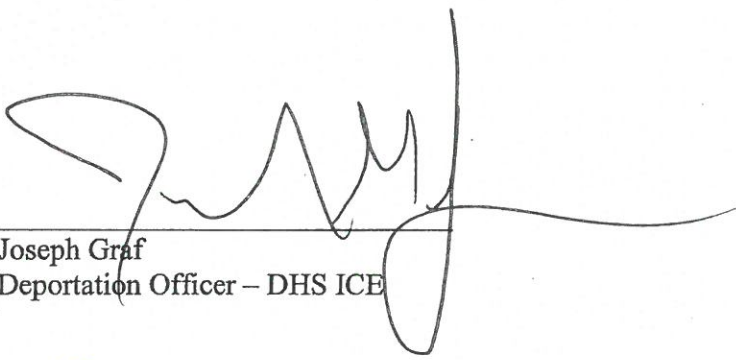
12. DELGADO ROMERO still has an open warrant out of Harrison Indiana for driving without a license.

13. On February 05, 2019, I reviewed the printouts of ICE computer indices for DELGADO ROMERO. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE (or INS) or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that DELGADO ROMERO had been removed and deported on or about the dates indicated on the Warrants of Removal/Deportation found in DELGADO ROMERO's DHS A-File. The ICE computer indices further indicated that DELGADO ROMERO had not applied for or obtained permission from the Attorney General of the United States or his designated successor, the Secretary of Homeland Security, to re-enter the United States legally since

DELGADO ROMERO had last been deported. All official Immigration documents are under the name DELGADO ROMERO.

14. Based on my review of DELGADO ROMERO's DHS A-File, I determined that his A-File does not contain any record of him ever applying for, or receiving permission from, the Attorney General of the United States or his designated successor, the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in DELGADO ROMERO's DHS A-File.

15. Based on the foregoing facts, there is probable cause to believe that DELGADO ROMERO has violated Title 8, United States Code, Section 1326(a): Illegal Re-entry by Previously Deported Alien.



Joseph Graf
Deportation Officer – DHS ICE

Subscribed and sworn to before me on this 13 day of February 2019.



HONORABLE KAREN L. LITKOVITZ
UNITED STATES MAGISTRATE JUDGE